

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PATRICK DWAYNE MURPHY,

Defendant.

CRIMINAL COMPLAINT

Case No. 20-MJ-113-SPS

I, Daniel M. Brewer, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about August 28, 1999, in the Eastern District of Oklahoma, in Indian Country, PATRICK DWAYNE MURPHY, committed the crime of Murder in the First Degree in Indian Country, in violation of Title 18, United States Code, Sections 1111(a), 1151, and 1153

I further state that I am a Special Agent with Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Daniel M. Brewer, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.



Daniel M. Brewer, Complainant
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence at: MUSKOGEE, OKLAHOMA

Date: July 30, 2020

STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer



Signature of Judicial Officer



AFFIDAVIT

1. I, Daniel M. Brewer, am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code, Section 2510(7), that is an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18. In the course of my duties as special agent, I have investigated criminal violations related to Indian Country crimes, as explained in 18, United States Code, Section 1151 and as it pertains to the Major Crimes Act (MCA). Further, I have investigated crimes committed on military installations, violent crimes against children, complex white-collar crimes, civil rights, public corruption, and crimes against the National Security of the United States of America, which include investigating terrorism and counterintelligence.

2. I hold the following academic degrees: Bachelor of Arts in Political Science, University of Washington; Bachelor of Arts in Spanish, University of Washington; and Master's Degree, United States Air Force Air Command and Staff College, United States Department of Defense.

3. As your affiant, I have reviewed the following documentation: investigative reports from the year of 1999 of Patrick Dwayne MURPHY, conducted by the Oklahoma State Bureau of Investigation. Further, as your affiant I have reviewed case number D-2000-705, Court of Criminal Appeals of Oklahoma Patrick Dwayne Murphy, Appellant, v. The STATE of Oklahoma, Appellee, from May 22, 2002. Also, as your affiant I have reviewed case number 07-7068 & 15-7041, PATRICK DWAYNE MURPHY, Petitioner - Appellant, v. TERRY ROYAL, Warden, Oklahoma State Penitentiary, Respondent – Appellee from August 8, 2017. Last, as your affiant I

have reviewed the United States Supreme Court's Opinion re *McGirt v. Oklahoma* issued on July, 9, 2020.

4. As your affiant, and having reviewed the aforementioned documentation, I have compiled a factual history below, which is predicated upon the investigative findings and Court rulings and opinions.

5. Therefore, I, Daniel M. Brewer, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

6. VENUE: the facts and circumstances alleged in this affidavit occurred within the Eastern District of Oklahoma. More specifically, the facts and circumstances occurred within the special maritime and territorial jurisdiction of the United States and in Indian Country, to wit the Muscogee (Creek) Reservation.

7. DEFENDANT: the defendant is Patrick Dwayne MURPHY (MURPHY). For purposes of federal jurisdiction, MURPHY is an Indian and is an enrolled member of the Muscogee (Creek) Nation.

8. VICTIM: the victim is George Jacobs. For purposes of federal jurisdiction, George Jacobs is an Indian and is an enrolled member of the Muscogee (Creek) Nation.

9. OFFENSE: On or about August 28, 1999, MURPHY, with malice aforethought and premeditation, unlawfully killed George Jacobs. MURPHY did this within the Eastern District of Oklahoma, within the special maritime and territorial jurisdiction of the United States and within Indian Country—the Muscogee (Creek) Reservation.

10. BACKGROUND: On or about August 26, 1999, MURPHY had an argument with his girlfriend, Patsy Jacobs. Patsy Jacobs was previously in a relationship with the victim George Jacobs, and Patsy Jacobs and George Jacobs had at least one child together. During the argument,

MURPHY told Patsy he was going to kill George Jacobs. A few days later, on or about August 28, 1999, MURPHY and two other individuals, Kevin King and Billy Jack Long, were driving along Vernon Road. At that same time, Mark Sumka was driving the opposite direction along Vernon Road and George Jacobs was a passenger in the vehicle driven by Sumka. MURPHY and Sumka slowed to talk to each other, and ultimately, MURPHY learned George Jacobs was in the vehicle driven by Sumka. Sumka knew MURPHY did not like George Jacobs, so Sumka drove off as MURPHY (or possibly Long or King) told Sumka to stop. Sumka did not stop, and MURPHY, Long, and King drove after Sumka and pulled in front of Sumka forcing Sumka to stop the vehicle. After Sumka stopped his vehicle, MURPHY and King began beating George Jacobs. MURPHY admitted to law enforcement officials to kicking George Jacobs in the "balls" and "side." King admitted to law enforcement officials to hitting and/or kicking George Jacobs over twenty times. After the beating, King stated to law enforcement officials that he flipped George Jacobs over, and Long took down Jacobs' pants. MURPHY admitted to law enforcement officials to cutting George Jacobs' penis with a knife. George Jacobs' throat and abdomen were also cut. After the beating and cutting, MURPHY, Long, and King drove away from the scene and left George Jacobs in a ditch on the side of Vernon Road, which is located near Vernon, Oklahoma, within McIntosh County, Oklahoma, and situated in the Eastern District of Oklahoma. When MURPHY, Long, and King left, they took Sumka with them to a residence known to law enforcement where MURPHY attempted to dispose of evidence by burning some clothes. After the beating and cutting of Jacobs, MURPHY told Patsy Jacobs to the effect that he had killed George Jacobs, that MURPHY had cut George Jacobs' "balls and dick off," and that if "the boys done the job right, he's [Jacobs] dead."

11. As of the date of this affidavit, both King and Long are deceased.

12. MURDER: on or about August 29, 1999, George Jacobs died from his wounds. According to the medical examiner's report, Jacobs suffered multiple contusions, a fractured nasal bone, and fractured ribs. The medical examiner determined homicide as the manner of death, and Jacobs died from "exsanguination due to multiple sharp and blunt force injuries...[t]his includes an incised wound of the anterior neck which involved the right jugular vein...[a]lso there was acute amputation of the external genitalia."

13. The facts presented in this affidavit are not a complete recitation of all of the facts known to law enforcement, rather, the affidavit is solely offered to establish probable cause for the crime presented in this affidavit.

14. Based on a review of those documents and based on my knowledge and experience with violent crimes in Indian country, I, as your Affiant have probable cause to believe Patrick Dwayne MURPHY has committed the offense of Murder in the First Degree in Indian country, in violation of Title 18 United States Code, Sections 1111(a), 1151, and 1153.

Respectfully submitted,



DANIEL M. BREWER
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 30 day of July, 2020.



STEVEN P. SHREDER
United States Magistrate Judge